



# PUBLIC NOTICE

Federal Communications Commission  
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## STREAMLINED RESOLUTION OF REQUESTS RELATED TO ACTIONS BY THE UNIVERSAL SERVICE ADMINISTRATIVE COMPANY

**CC Docket No. 02-6**  
**WC Docket No. 06-122**

Pursuant to our procedure for resolving requests for review, requests for waiver, and petitions for reconsideration of decisions related to actions taken by the Universal Service Administrative Company (USAC) that are consistent with precedent (collectively, Requests), the Wireline Competition Bureau (Bureau) grants, dismisses, or denies the following Requests.<sup>1</sup> The deadline for filing petitions for reconsideration or applications for review concerning the disposition of any of these Requests is 30 days from release of this Public Notice.<sup>2</sup>

### **Schools and Libraries (E-Rate)**

**CC Docket No. 02-6**

### **Dismissed as Moot<sup>3</sup>**

Mendon Upton Regional School District, MA, Application No. 161014520, Request for Review, CC Docket No. 02-6 (filed July 29, 2019)

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<sup>1</sup> See *Streamlined Process for Resolving Requests for Review of Decisions by the Universal Service Administrative Company*, CC Docket Nos. 96-45 and 02-6, WC Docket Nos. 02-60, 06-122, 08-71, 10-90, 11-42, and 14-58, Public Notice, 29 FCC Red 11094 (WCB 2014). Section 54.719(b) of the Commission's rules provides that any person aggrieved by an action taken by a division of USAC, after first seeking review at USAC, may seek review from the Commission. Section 54.719(c) of the Commission's rules provides that parties seeking waivers of the Commission's rules shall seek review directly from the Commission. 47 CFR § 54.719(b)-(c). In this Public Notice, we have reclassified as Requests for Waiver those appeals seeking review of a USAC decision that appropriately should have requested a waiver of the Commission's rules. Similarly, we have reclassified as Requests for Review those appeals seeking a waiver of the Commission's rules but that are, in fact, seeking review of a USAC decision.

<sup>2</sup> See 47 CFR §§ 1.106(f), 1.115(d); see also 47 CFR § 1.4(b)(2) (setting forth the method for computing the amount of time within which persons or entities must act in response to deadlines established by the Commission).

<sup>3</sup> See, e.g., *Requests for Review of Decisions of the Universal Service Administrator by Diversified Computer Solutions, Inc.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Red 5250, 5251, para. 3 (WCB 2012) (dismissing appeals as moot where invoicing records demonstrate that the entity was fully compensated for the funding it requested and all submitted invoices were funded).

Dismissed as Moot – Requested Action Taken by USAC<sup>4</sup>

Burrel Union Elementary School District, CA, Application No. 920611, Request for Review, CC Docket No 02-6 (filed May 19, 2014)

Granted<sup>5</sup>*Applicant Conducted Fair and Open Competitive Bidding Process<sup>6</sup>*

Glendale School District, PA, Application No. 582788, Request for Waiver, CC Docket No. 02-6 (filed July 9, 2019 and Oct. 4, 2019)

*Eligible Entities<sup>7</sup>*

Head Start – Municipality of San Juan, PR, Application Nos. 171048188, 171048372, 171048465, Request for Review, CC Docket No. 02-6 (filed July 16, 2018)

*Invoice Deadline Extension Requests<sup>8</sup>*

AT&T Services, Inc. (San Diego Unified School District), CA, Application No. 789034, Request for Waiver, CC Docket No. 02-6 (filed Feb. 26, 2019)

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<sup>4</sup> See, e.g., *Requests for Review and/or Requests for Waiver of the Decisions of the Universal Service Administrator by Al-Noor High School et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 8223, 8224, para. 2 (WCB 2012) (dismissing as moot requests for review where USAC had taken the action the petitioner requested).

<sup>5</sup> We remand these applications to USAC and direct USAC to complete its review of the applications and issue a funding commitment or a denial based on a complete review and analysis, no later than 90 calendar days from the release date of this Public Notice. In remanding these applications to USAC, we make no finding as to the ultimate eligibility of the services or the petitioners' applications. We also waive sections 54.507(d) and 54.514(a) of the Commission's rules and direct USAC to waive any procedural deadline that might be necessary to effectuate our ruling. See 47 CFR § 54.507(d) (requiring non-recurring services to be implemented by September 30 following the close of the funding year); 47 CFR § 54.514(a) (codifying the invoice filing deadline).

<sup>6</sup> See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Aberdeen School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 1941, 1942, para. 1 (WCB 2012) (granting a waiver where the applicant conducted a fair and open competitive bidding process even though its signed contract was not properly submitted to the school board under local rules).

<sup>7</sup> See *Requests for Review of Decisions of the Universal Service Administrator by Bootheel Consortium et al., Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 22 FCC Rcd 8747, 8750-51, paras. 7-8 (2007) (finding that applicants had provided sufficient documentation to show that they might be eligible for E-Rate support, justifying further review by USAC to reach a definitive determination). Consistent with precedent, we remand this application to USAC for consideration of Head Start – Municipality of San Juan as an eligible special education facility. *Id.*

<sup>8</sup> See, e.g., *Requests for Review of the Decisions of the Universal Service Administrator by Canon-McMillan School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 23 FCC Rcd 15555, 15558, para. 6 (WCB 2008) (granting relief to petitioners demonstrating good faith in complying with the invoicing deadline); *Modernizing the E-rate Program for Schools and Libraries*, WC Docket No. 13-184, Order and Further Notice of Proposed Rulemaking, 29 FCC Rcd 8870, 8967, para. 242 (2014) (*2014 E-Rate Order*) (directing the Bureau and USAC to consider whether late invoice requests from funding years prior to 2014 were made in good faith and within a reasonable period of time after the services were provided, or whether other extraordinary circumstances exist that support an extension).

*Late-Filed FCC Form 471 Due to Actions Beyond Its Control*<sup>9</sup>

Digital Pioneers Academy, DC, Application No. 181042742, Request for Waiver, CC Docket No 02-6 (filed June 15, 2018)

*Ministerial and/or Clerical Errors*<sup>10</sup>

Allen Otter Creek CCSD District 65, IL, Application No. 161000828, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Dec. 20, 2018)<sup>11</sup>

Chappaqua Central School District, NY, Application No. 191005282, Request for Waiver, CC Docket No. 02-6 (filed July 25, 2019, supplemented Oct. 31, 2019)

Fouke School District 15, AR, Application No. 171012672, Request for Waiver, CC Docket No 02-6 (filed June 17, 2019)

St. Michael School, WV, Application No. 191037705, Request for Review and/or Waiver, CC Docket No 02-6 (filed Oct. 29, 2019).

*Timely-Filed Appeal*<sup>12</sup>

Falls Lake Academy, NC, Application No. 171039111, Request for Waiver, CC Docket No. 02-6 (filed Nov. 4, 2019)

Yuba City Unified School District, CA, Application No. 181017239, Request for Waiver, CC Docket No. 02-6 (filed Oct. 4, 2019)

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<sup>9</sup> See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Abbotsford School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 15299, 15300, para. 2 (WCB 2012) (granting waiver where the applicant filed within a reasonable period after the close of the filing window despite delays beyond its control).

<sup>10</sup> See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Ann Arbor Public Schools et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 17319, 17320, para. 2 & nn. 5, 9, 13, 20 (WCB 2010) (*Ann Arbor Order*) (permitting an applicant to correct a mischaracterization of the discounted price as the pre-discounted price; permitting applicant to correct a date on its FCC Form 471; permitting applicant to add an omitted item that was on its source list; permitting applicant to correct a mislabeling of a service category on its FCC Form 471).

<sup>11</sup> Allen Otter Creek CCSD District 65 did not know it needed to file a waiver with the Commission because it believed it had a pending appeal with USAC. When the school district was eventually told by USAC to file an appeal with the Commission, it was filed promptly but after the deadline. We therefore waive the deadline to file an appeal with the Commission. See, e.g., *Requests for Review and/or Waiver of Decisions of the Universal Service Administrator by ABC Unified School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 11019, 11019, para. 2 (WCB 2011) (*ABC Unified School District Order*) (granting waivers of filing deadline for appeals because they submitted their appeals or waiver requests within a reasonable period of time after receiving actual notice of USAC's adverse decision).

<sup>12</sup> See, e.g., *Request for Review of a Decision of the Universal Service Administrator by Sundale Elementary School District; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 4124 (WCB 2014) (remanding an appeal to USAC that was timely filed); 47 CFR § 54.720(a).

*Waiver of Late-filed Waiver Request*<sup>13</sup>

Connecticut Institute for Communities, Inc., CT, Application No. 161023970, Request for Waiver, CC Docket No. 02-6 (filed Sept. 26, 2019)

Miami Union Academy, FL, Application No. 181039708, Request for Waiver, CC Docket No. 02-6 (filed Aug. 22, 2019)

Ramapo Indian Hills Regional High School, NJ, Application No. 181027737, Request for Waiver, CC Docket No. 02-6 (filed July 25, 2019)

Denied*Incorrect Service Category*<sup>14</sup>

School District of South Milwaukee, WI, Application No. 866461, Request for Waiver, CC Docket No. 02-6 (filed Dec. 17, 2012)

*Invoice Deadline Extension Requests*<sup>15</sup>

Progressive Communications (Glascok County School District), GA, Application No. 1039028, Request for Waiver, CC Docket No. 02-6 (filed Oct. 11, 2017)

*Late-Filed FCC Form 471 Applications*<sup>16</sup>

Archbishop Curley High School, MD, Application No. 191042668, Request for Waiver, CC Docket No. 02-6 (filed Sept. 16, 2019)

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<sup>13</sup> See, e.g., *ABC Unified School District Order*, 26 FCC Rcd at 11019, para. 2 (granting waivers of filing deadline for petitioners that submitted their appeals to the Commission or USAC only a few days late or because they submitted their appeals or waiver requests within a reasonable period of time after receiving actual notice of USAC's adverse decision). We make no finding on the underlying issues in these appeals and remand these applications back to USAC to make a determination on the merits. See *supra* note 5.

<sup>14</sup> See, e.g., *Albert Lea Order*, 24 FCC Rcd at 4541-42, paras. 14-15; *Petition for Reconsideration by Chicago Public Schools; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 9289 (WCB) (denying appeals of applicants that filed FCC Forms 470 that did not include the types of services for which the applicants later requested E-Rate funding).

The application number listed for School District of South Milwaukee was incorrect in a previous public notice. See *Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company*, CC Docket No. 02-6, Public Notice, DA 19-1120 (WCB Oct. 31, 2019). We include the entry in this public notice with the correct application number.

<sup>15</sup> See, e.g., *Requests for Waiver of Decisions of the Universal Service Administrator by Ada School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 31 FCC Rcd 3834, 3835, para. 7 (WCB 2016) (denying requests for waiver of the Commission's invoice extension rule for petitioners that failed to demonstrate extraordinary circumstances justifying a waiver); see also *2014 E-Rate Order*, 29 FCC Rcd at 8966, para. 240 (establishing that it is generally not in the public interest to waive the Commission's invoicing rules absent extraordinary circumstances); 47 CFR § 54.514.

<sup>16</sup> See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Academy of Math and Science et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 9256, 9261-62, para. 13 (2010) (denying requests for waiver of the FCC Form 471 filing window deadline where petitioners failed to present special circumstances justifying waiver of our rules).

Clarksburg C-2 School District, MO, Application No. 191042717, Request for Waiver, CC Docket No. 02-6 (filed Oct. 21, 2019)

Evergreen Park Public Library, IL, Application No. 191002046, Request for Waiver, CC Docket No. 02-6 (filed Oct. 23, 2019)

Gordon School, RI, Application No. 191027118, Request for Waiver, CC Docket No. 02-6 (filed Oct. 7, 2019)

Penn Trafford School District, PA, Application No. 191038693, Request for Waiver, CC Docket No. 02-6 (filed Oct. 2, 2019)

*Untimely Filed Appeals or Waiver Requests*<sup>17</sup>

Cherokee County Schools, AL, Application No. 191042466, Request for waiver, CC Docket No. 02-6 (filed Oct. 7, 2019)

Contoocook Valley Regional School District, NH, Application No. 191041867, Request for Waiver, CC Docket No. 02-6 (filed Sept. 30, 2019)

Gregory-Portland Independent School District, TX, Application No. 191016821, Request for Waiver, CC Docket No. 02-6 (filed Nov. 6, 2019)

Mahoning Co Supt of Schools, OH, Application Nos. 191031311, 191031355, Request for Waiver, CC Docket No. 02-6 (filed Oct. 4, 2019)

San Joaquin Valley Library System, CA, Application No. 191011092, Request for Waiver, CC Docket No. 02-6 (filed July 26, 2019)

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<sup>17</sup> See, e.g., *Requests for Review of Decisions of the Universal Service Administrator by Agra Public Schools I-134 et al.*; *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 5684 (WCB 2010); *Requests for Waiver or Review of Decisions of the Universal Service Administrator by Bound Brook School District et al.*; *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 5823 (WCB 2014) (denying requests for review and/or waiver on the grounds that the petitioners failed to 1) submit their appeals either to the Commission or to USAC within 60 days; or failed to submit their waiver requests to the Commission within 60 days as required by the Commission's rules; and 2) did not show special circumstances necessary for the Commission to waive the deadline).

Contoocook Valley Regional School District and San Joaquin Valley Library System did not file their appeals with USAC in the first instance and are also subject to dismissal on that basis as well. See, e.g., 47 C.F.R. § 54.719. See also 2014 E-Rate Order, 29 FCC Rcd at 8970-71, paras. 250-52 (revising sections 54.719 and 54.720 of the Commission's rules to, among other things, require parties seeking appeal of a USAC decision to first seek review with USAC); *Request for Review of Decision by Universal Service Administrator by La Canada Unified School District*; *Schools and Library Universal Service Mechanism*, CC Docket No. 02-6, 30 FCC Rcd 4729, 4729, para. 2 (WCB 2015) (dismissing an appeal that properly belongs before USAC pursuant to Commission rules).

*Improper Service Provider Involvement - Conflict of Interest*<sup>18</sup>

Freshwater Education District, Staples, MN, Application Nos. 467125, 466971, 467573, Request for Review and Waiver, CC 02-6 (filed Aug. 17, 2017)

*Improper Service Provider Involvement - Service Provider Involvement in Technology Plan*<sup>19</sup>

onShore Networks (Noble Network Replication Three (Rowe-Clarke Math & Science Academy)), Chicago IL, Application Nos. 519770, 519774, 519776, 519782 Request for Review, CC 02-6 (filed Feb. 14, 2011)

Noble Network Replication Three (Rowe-Clarke Math & Science Academy), Chicago IL, Application Nos. 519770, 519774, 519776, 519782 (filed Feb. 14, 2011)

*Ineligible Service*<sup>20</sup>

Schenectady City School District, NY, Application No. 161048480, Request for Review, CC Docket No. 02-6, (filed Aug. 21, 2018)

**Contribution Methodology****WC Docket No. 06-122****Dismissed Without Prejudice***Request for Waiver of Late Fee Sanctions*<sup>21</sup>

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<sup>18</sup> See, e.g., *Request for Review of Decisions of the Universal Service Administrator by Marana Unified School District, Schools and Libraries Universal Service Support Mechanism*, Order, CC Docket No. 02-6, 27 FCC Rcd 1525, (WCB 2012) (denying requests for review on the grounds the competitive bidding process must be fair and open and must not have been compromised because of improper conduct by the applicant, service provider, or both parties). See also, e.g., *Request for Review by Mastermind Internet Services, Inc., Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, CC Docket No. 96-45, Order, 16 FCC Rcd 4028 (2000) (finding that the FCC Form 470 contact person influences an applicant's competitive bidding process by controlling the dissemination of information regarding the services requested and, when an applicant delegates that power to an entity that also participates in the bidding process as a prospective service provider, the applicant impairs its ability to hold a fair competitive bidding process); *Request for Review by Dickenson County Public Schools, Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, 17 FCC Rcd 15747, 15748, para. 3 (2002) (noting that an applicant impairs its ability to hold a fair and open competitive bidding process when the applicant's FCC Form 470 contact person is also a service provider participating in the bidding process as a bidder).

<sup>19</sup> See, e.g., *Requests for Review of Decisions of the Universal Service Administrator by Central Islip Free Union School District et al; School and Libraries Universal Service Support Mechanism*, 26 FCC Rcd 8630, 8636-37, 8638, paras. 13, 14 (WCB 2011) (upholding the denial of funding after finding a prospective service provider assisted in the preparation of a technology plan that potentially impaired the ability to hold a fair and open competitive bidding process).

<sup>20</sup> See, e.g., *Schools and Libraries Universal Service Support Mechanism, A National Broadband Plan for our Future*, CC Docket No. 02-6, GN Docket No. 09-51, Order, 25 FCC Rcd 18762, 18766, para. 9, 18773, para. 19 (2010) (noting that an unbundled warranty is an ineligible basic maintenance of internal connections service because it is a type of retainer and not an actual maintenance service).

<sup>21</sup> 47 CFR § 54.721. See, e.g., *Universal Service Contribution Methodology, Request for Review of Decision of Universal Service Administrator and Request for Waiver by CML Communications LLC*, WC Docket No. 06-122, (continued....)

Submission of an appeal of a USAC Invoice for Late Fees by Phone Services USA, LLC, filed with the Federal Communications Commission, WC Docket 06-122 (filed November 14, 2019)

*Request for Waiver of Form 499-A Revision Deadline*<sup>22</sup>

City of Bainbridge, Letter from Beverly Allen, Accounting Manager, and Sterling Widner, IT Director, City of Bainbridge, Georgia, to the Federal Communications Commission, WC Docket 06-122 (filed June 27, 2019)

Denied

*Request for Waiver of Form 499-A Filing Deadline and Late Fees*<sup>23</sup>

Voice Spring, LLC, Request for Review of Decision of USAC and Request for Waiver of Filing Deadlines and Waiver, or in the Alternative, for Reduction of Late Filing Sanction, WC Docket No. 06-122 (filed Aug. 16, 2019)

For additional information concerning this Public Notice, please contact James Bachtell in the Telecommunications Access Policy Division, Wireline Competition Bureau, at james.bachtell@fcc.gov or (202) 418-2694.

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Order, 26 FCC Rcd 335 (WCB 2011); *Universal Service Contribution Methodology, Request for Review of Decision of Universal Service Administrator and Request for Waiver by Alternative Phone, Inc.*, WC Docket No. 06-122, Order, 26 FCC Rcd 6079 (WCB 2011); *Universal Service Contribution Methodology, Request for Review of Decision of Universal Service Administrator by Dorial Telecom LLC*, WC Docket No. 06-122, Order, 26 FCC Rcd 3799 (WCB 2011) (all finding requests procedurally defective for failure to comply with 47 CFR § 54.721).

<sup>22</sup> 47 CFR § 54.721. *See, e.g., Universal Service Contribution Methodology, Request for Review of Decision of Universal Service Administrator and Request for Waiver by CML Communications LLC*, WC Docket No. 06-122, Order, 26 FCC Rcd 335 (WCB 2011); *Universal Service Contribution Methodology, Request for Review of Decision of Universal Service Administrator and Request for Waiver by Alternative Phone, Inc.*, WC Docket No. 06-122, Order, 26 FCC Rcd 6079 (WCB 2011); *Universal Service Contribution Methodology, Request for Review of Decision of Universal Service Administrator by Dorial Telecom LLC*, WC Docket No. 06-122, Order, 26 FCC Rcd 3799 (WCB 2011) (all finding requests procedurally defective for failure to comply with 47 CFR § 54.721).

<sup>23</sup> *See, e.g., Universal Service Contribution Methodology; Federal-State Joint Board on Universal Service; Requests for Review of Decisions of Universal Service Administrator by Airband Communications, Inc. et al.*, WC Docket No. 06-122, CC Docket No. 96-45, Order, 25 FCC Rcd 10861 (WCB 2010) (denying deadline waivers where claims of good cause amount to no more than simple negligence, errors by the petitioner, or circumstances squarely within the petitioner's control); *Universal Service Contribution Methodology; Requests for Waiver of Decisions of the Universal Service Administrator by ComScape Telecommunications of Raleigh-Durham, Inc. and Millennium Telecom, LLC*, WC Docket No. 06-122, Order, 25 FCC Rcd 7399 (WCB 2010) (denying waiver requests when negligence caused late filing fee); *Universal Service Contribution Methodology; Requests for Review of Decisions of the Universal Service Administrator by Achilles Networks, Inc., et al.*, WC Docket No. 06-122, Order, 25 FCC Rcd 4646, 4648-49, paras. 5, 8 (WCB 2010); *Federal-State Joint Board on Universal Service; Request for Review by National Network Communications, Inc.*, CC Docket No. 96-45, Order, 22 FCC Rcd 6783 (WCB 2007) (good cause not shown when filer claimed it did not have skilled personnel to interpret and correctly apply FCC Form 499 instructions).